

106TH CONGRESS  
1ST SESSION

# S. 1426

To amend the Food Security Act of 1985 to promote the conservation of  
soil and related resources, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

Mr. HARKIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. KERREY, Mr. CONRAD, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Food Security Act of 1985 to promote the  
conservation of soil and related resources, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Conservation Security  
5       Act of 1999”.

6       **SEC. 2. CONSERVATION SECURITY PROGRAM.**

7       Subtitle D of title XII of the Food Security Act of  
8       1985 (16 U.S.C. 3830 et seq.) is amended by adding at  
9       the end the following:

1   **“CHAPTER 6—CONSERVATION SECURITY**  
 2                               **PROGRAM**

3   **“SEC. 1240P. CONSERVATION SECURITY PROGRAM.**

4           “(a) IN GENERAL.—The Secretary shall establish a  
 5 conservation security program through the use of con-  
 6 tracts to assist owners and operators of farms and ranches  
 7 to promote—

8                   “(1) conservation of soil, water, and related re-  
 9 sources;

10                   “(2) water quality protection and improvement;

11                   “(3) air quality protection and improvement;

12                   “(4) wetland restoration, protection, and cre-  
 13 ation;

14                   “(5) wildlife habitat development and protec-  
 15 tion; and

16                   “(6) any similar conservation purpose.

17           “(b) ELIGIBILITY.—

18                   “(1) IN GENERAL.—To be eligible to participate  
 19 in the conservation security program, an owner or  
 20 operator shall—

21                   “(A) submit a resource security plan or a  
 22 livestock nutrient management plan to the Sec-  
 23 retary, and obtain the approval of the Secretary  
 24 for the plan, in accordance with subsection (c);  
 25 and

1           “(B) enter into a contract with the Sec-  
2           retary that requires compliance with the plan in  
3           accordance with subsection (e).

4           “(2) LIMITATION.—An owner or operator shall  
5           not be eligible to enter into a contract specifying  
6           compliance with a livestock nutrient management  
7           plan if the total number of animals raised by the  
8           owner or operator exceeds 1,000 animal units, as de-  
9           fined by the Secretary.

10          “(c) PLANS.—

11           “(1) RESOURCE SECURITY PLANS.—A resource  
12          security plan shall—

13           “(A) identify the resources to be secured  
14          by the plan;

15           “(B) describe the class of conservation  
16          practices under subsection (d) to be imple-  
17          mented and maintained on the land subject to  
18          the contract during the contract period;

19           “(C) contain a schedule for the implemen-  
20          tation and maintenance of the class of conserva-  
21          tion practices described in the plan;

22           “(D) comply with the highly erodible land  
23          and wetland conservation requirements of sub-  
24          titles B and C; and

1                   “(E) contain such other terms as the Sec-  
2                   retary may require.

3                   “(2) LIVESTOCK NUTRIENT MANAGEMENT  
4                   PLANS.—A livestock nutrient management plan  
5                   shall—

6                   “(A) contain a plan for managing the ma-  
7                   nure and other organic byproducts produced on  
8                   the farming or ranching operation of an owner  
9                   or operator in a manner that protects air,  
10                  water, and soil quality; and

11                  “(B) contain such other terms as the Sec-  
12                  retary may require.

13                  “(3) STATE AND LOCAL CONSERVATION PRIOR-  
14                  ITIES.—To the maximum extent practicable and in  
15                  a manner that is consistent with the conservation se-  
16                  curity program, resource security plans and livestock  
17                  nutrient management plans shall address the con-  
18                  servation priorities established by the State and lo-  
19                  cality in which the farming or ranching operation is  
20                  located.

21                  “(d) CONSERVATION PRACTICES UNDER RESOURCE  
22                  SECURITY PLANS.—

23                  “(1) IN GENERAL.—The Secretary shall estab-  
24                  lish 3 classes of conservation practices that are eligi-

1       ble for payment under a contract entered into under  
2       this section to carry out a resource security plan.

3               “(2) INCLUSION OF CERTAIN PRACTICES.—The  
4       Secretary shall include in 1 of the classes of con-  
5       servation practices—

6               “(A) each environmental or conservation  
7       practice that is included in the National Hand-  
8       book of Conservation Practices of the Natural  
9       Resources Conservation Service; and

10              “(B) any other conservation practice the  
11       Secretary determines is appropriate.

12              “(3) CLASSES.—To carry out this subsection,  
13       the Secretary shall establish the following 3 classes  
14       of conservation practices (as appropriate for the  
15       farm or ranch operation of an owner or operator):

16              “(A) CLASS I.—Class I conservation prac-  
17       tices shall include—

18                      “(i) residue management;

19                      “(ii) nutrient management; and

20                      “(iii) environmentally sound grazing.

21              “(B) CLASS II.—Class II conservation  
22       practices shall include—

23                      “(i) Class I conservation practices;

24                      “(ii) comprehensive nutrient manage-  
25       ment;

1 “(iii) pesticide management;

2 “(iv) partial field conservation prac-  
3 tices (including windbreaks, grass water-  
4 ways, shelter belts, filter strips and ripar-  
5 ian buffers); and

6 “(v) intensive grazing and wildlife  
7 habitat measures.

8 “(C) CLASS III.—Class III conservation  
9 practices shall include—

10 “(i) Class I and Class II conservation  
11 practices; and

12 “(ii) such additional conservation  
13 practices as are necessary to implement  
14 and maintain a total resource management  
15 plan that addresses the long-term sustain-  
16 ability of the natural resource base of a  
17 farm or ranch operation.

18 “(e) CONTRACTS.—

19 “(1) IN GENERAL.—On approval of a resource  
20 security plan or a livestock nutrient management  
21 plan of an owner or operator, the Secretary shall  
22 enter into a contract with the owner or operator that  
23 specifies—

24 “(A) the land subject to the contract;

1           “(B) in the case of a resource security  
2           plan, the class of conservation practices under  
3           subsection (d) that will be carried out on the  
4           land; and

5           “(C) in the case of a livestock nutrient  
6           management plan, the livestock facilities that  
7           are covered by the contract.

8           “(2) DURATION.—Subject to paragraphs (3)  
9           and (4), the contract shall be for a term of not less  
10          than 3 years nor more than 5 years.

11          “(3) REVISION.—The Secretary may require an  
12          owner or operator to modify a resource security plan  
13          or livestock nutrient management plan before the ex-  
14          piration of the plan if the Secretary determines that  
15          a change made to the size, management, or any  
16          other aspect of the farming or ranching operation of  
17          the owner or operator would, without the modifica-  
18          tion, interfere with the conservation security pro-  
19          gram.

20          “(4) RENEWAL.—The contract of the owner or  
21          operator may be renewed for successive 5-year peri-  
22          ods, at the option of the owner or operator, if—

23                 “(A) the owner or operator agrees to any  
24                 modification of the applicable resource security  
25                 plan or the livestock nutrient management plan

1           that the Secretary determines is necessary to  
2           carry out the conservation security program;  
3           and

4           “(B) the Secretary determines that the  
5           owner or operator has complied with—

6                   “(i) the terms and conditions of the  
7                   applicable resource security plan or a live-  
8                   stock nutrient management plan of the  
9                   owner or operator; and

10                   “(ii) the terms and conditions of the  
11                   contract.

12       “(f) DUTIES OF OWNERS AND OPERATORS.—Under  
13 a contract entered into under subsection (e), during the  
14 term of the contract, an owner or operator of a farm or  
15 ranch shall agree—

16           “(1) to implement the applicable resource secu-  
17           rity plan or livestock nutrient management plan ap-  
18           proved by the Secretary;

19           “(2) to keep such records as the Secretary may  
20           require for purposes of evaluation of the implemen-  
21           tation of the plan;

22           “(3) not to engage in any activity that would  
23           defeat the purposes of the conservation security pro-  
24           gram; and



1           “(4) to forgo incentive payments, rental pay-  
 2           ments, or easement payments under any other con-  
 3           servation program administered by the Secretary for  
 4           land subject to the contract, except that the owner  
 5           or operator shall not otherwise become ineligible for  
 6           participation in and receipt of cost-share payments  
 7           under any other conservation program as a result of  
 8           payments received under this section.

9           “(g) DUTIES OF SECRETARY.—

10           “(1) RESOURCE SECURITY PLANS.—

11           “(A) IN GENERAL.—Under a contract en-  
 12           tered into by an owner or operator under this  
 13           section to carry out a resource security plan,  
 14           subject to subparagraph (B), the Secretary  
 15           shall, for a period of years not in excess of the  
 16           term of the contract, make an annual rental  
 17           payment to the owner or operator in an amount  
 18           equal to—

19           “(i) 10 percent of the average county  
 20           rental rate for the same type of land en-  
 21           rolled under the contract that will be main-  
 22           tained using Class I conservation practices  
 23           described in subsection (d)(3)(A);

24           “(ii) 20 percent of the average county  
 25           rental rate for the same type of land en-

1           rolled under the contract that will be main-  
 2           tained using Class II conservation prac-  
 3           tices described in subsection (d)(3)(B); and  
 4           “(iii) 40 percent of the average county  
 5           rental rate for the same type of land en-  
 6           rolled under the contract that will be main-  
 7           tained using Class III conservation prac-  
 8           tices described in subsection (d)(3)(C).

9           “(2) LIVESTOCK NUTRIENT MANAGEMENT  
 10          PLANS.—Under a contract entered into by an owner  
 11          or operator under this section to carry out a live-  
 12          stock nutrient management plan, the Secretary  
 13          shall, for a period of years not in excess of the term  
 14          of the contract, make an annual rental payment to  
 15          the owner or operator in an amount equal to the  
 16          product obtained by multiplying—

17               “(A) 10 percent of the simple average  
 18               price received by owners and operators for each  
 19               type of livestock covered by the plan during the  
 20               5 marketing years immediately preceding the  
 21               year covered by the annual payment; by

22               “(B) the number of that type of livestock  
 23               raised by the owner or operator during the year  
 24               covered by the annual payment.

1           “(3) LIMITATION ON PAYMENTS.—The  
2           total amount of payments paid to an owner or  
3           operator under paragraphs (1) and (2) shall not  
4           exceed \$50,000 for any fiscal year.

5           “(4) TECHNICAL ASSISTANCE.—The Secretary  
6           shall use not less than 15 percent, nor more than 20  
7           percent, of the funds that are made available to  
8           carry out this section for a fiscal year to provide  
9           technical assistance to owners and operators enter-  
10          ing into contracts under this section.

11          “(5) OTHER PAYMENTS.—Except as otherwise  
12          provided in this section, payments received by an  
13          owner or operator under this subsection shall be in  
14          addition to, and not affect, the total amount of pay-  
15          ments that the owner or operator is otherwise eligi-  
16          ble to receive under—

17                 “(A) this Act;

18                 “(B) the Federal Agriculture Improvement  
19                 and Reform Act of 1996 (Public Law 104–  
20                 127), including the Agricultural Market Transi-  
21                 tion Act (7 U.S.C. 7201 et seq.);

22                 “(C) the Food, Agriculture, Conservation,  
23                 and Trade Act of 1990 (Public Law 101–624);  
24                 or

1                   “(D) the Agricultural Act of 1949 (7  
2                   U.S.C. 1421 et seq.).”.

3 **SEC. 3. EFFECTIVE DATE.**

4       (a) IN GENERAL.—This Act and the amendment  
5 made by this Act take effect on October 1, 1999.

6       (b) REGULATIONS.—Not later than 180 days after  
7 the date of enactment of this Act, the Secretary shall pro-  
8 mulgate such regulations as are necessary to carry out this  
9 Act and the amendment made by this Act.

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